IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.208 OF 2006

Vijay Narayan Dwivedi .. Petitioner.
Vs.
State of Maharashtra & Anr. .. Respondents.

Mr.S.C.Chaturvedi for the petitioner.
Mr.S.V.More A.P.P. for the State.
Mr.Vinod Singh for respondent no.2.

CORAM : D.B.BHOSALE, J.

DATED : 14TH JULY, 2006

P.C.:

. Heard learned counsel for the petitioner and respondent no.2 and learned A.P.P. for the State.

2. In this writ petition, the petitioner has prayed for stay to the proceedings under section 138 of the Negotiable Instruments Act during the pendency of Criminal Revision No.05/2006 pending at the Ld.Sessions Court at Palghar. By that revision the petitioner has prayed for re-opening the case which has already been closed after accepting the report under section 173 of the Code of Criminal Procedure filed by the police. In my opinion, this has absolutely nothing to do with the proceedings under section 138. Whatever defence the petitioner wants to propound in the proceedings under section 138 it is

open for him to do so. The case under section 138 will be decided in accordance with law. This petition is dismissed.

(D.B.Bhosale, J.)